



Senate

General Assembly

File No. 364

February Session, 2008

Substitute Senate Bill No. 341

Senate, April 1, 2008

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE EMPLOYMENT OF MINORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) No minor under sixteen years of age shall be employed or
4 permitted to work in any manufacturing [,] or mechanical [, mercantile
5 or theatrical] industry, [restaurant or public dining room, or in any
6 bowling alley, shoe-shining establishment or barber shop,] provided
7 the Labor Commissioner may authorize such employment of any
8 minor between the ages of fourteen and sixteen who is enrolled in (1) a
9 public school in a work-study program as defined and approved by
10 the Commissioner of Education and the Labor Commissioner or in a
11 program established pursuant to section 10-20a of the 2008 supplement
12 to the general statutes, or (2) a summer work-recreation program
13 sponsored by a town, city or borough or by a human resources
14 development agency which has been approved by the Labor

15 Commissioner, or both, and provided the prohibitions of this section
16 shall not apply to any minor over the age of fourteen who is under
17 vocational probation pursuant to an order of the Superior Court as
18 provided in section 46b-140 of the 2008 supplement to the general
19 statutes or to any minor over the age of fourteen who has been placed
20 on vocational parole by the Commissioner of Children and Families.

21 (b) (1) [Notwithstanding the provisions of subsection (a) of this
22 section, a] No minor under fourteen years of age shall be employed or
23 permitted to work in any mercantile or theatrical industry, retail
24 establishment, restaurant or public dining room, bowling alley, shoe-
25 shining establishment, or barber shop. A minor who [has reached the
26 age of] is fourteen or fifteen years of age may be employed or
27 permitted to work during weekends and periods of school vacation
28 during which school is not in session for five consecutive days or more
29 in any mercantile or theatrical industry, retail establishment, restaurant
30 or public dining room, bowling alley, shoe-shining establishment, or
31 barber shop or as a caddie or in a pro shop at any municipal or private
32 golf course, [and a minor who has reached the age of fifteen may be
33 employed or permitted to work in any mercantile establishment, from
34 September 30, 2002, to September 30, 2007, inclusive, as a bagger,
35 cashier or stock clerk,] provided such employment [shall be] is (A)
36 [limited to periods of school vacation during which school is not in
37 session for five consecutive days or more except that such minor
38 employed in a retail food store may work on any Saturday during the
39 year; (B)] for not more than forty hours in any week; (C)] (B) and for
40 not more than eight hours in any day; and [(D)] (C) between the hours
41 of [seven o'clock in the morning and seven o'clock in the evening,
42 except that from July first to the first Monday in September in any
43 year, any such minor may be employed until nine o'clock in the
44 evening] 7:00 a.m. and 8:30 p.m. (2) [(A)] Each person who employs a
45 fourteen-year-old minor [as a caddie or in a pro shop at any municipal
46 or private golf course] pursuant to this section shall obtain a certificate
47 stating that such minor is fourteen years of age or older, as provided in
48 section 10-193, [and (B) each person who employs a fifteen-year-old
49 minor in any mercantile establishment pursuant to this subsection

50 shall obtain a certificate stating that such minor is fifteen years of age
51 or older, as provided in section 10-193] as amended by this act. Such
52 certificate shall be kept on file at the place of employment and shall be
53 available at all times during business hours to the inspectors of the
54 Labor Department. (3) The Labor Commissioner may adopt
55 regulations, in accordance with the provisions of chapter 54, as the
56 commissioner deems necessary to implement the provisions of this
57 subsection.

58 (c) No minor under the age of eighteen years shall be employed or
59 permitted to work in any occupation which has been or shall be
60 pronounced hazardous to health by the Department of Public Health
61 or pronounced hazardous in other respects by the Labor Department
62 or the United States Secretary of Labor. This section shall not apply to
63 the employment or enrollment of minors sixteen years of age and over
64 as apprentices in bona fide apprenticeship courses in manufacturing or
65 mechanical establishments, vocational schools or public schools, or to
66 the employment of such minors who have graduated from a public or
67 private secondary or vocational school, in any manufacturing or
68 mechanical establishment or to the enrollment of such minors in a
69 cooperative work-study program approved by the Commissioner of
70 Education and the Labor Commissioner or in a program established
71 pursuant to section 10-20a of the 2008 supplement to the general
72 statutes. No provision of this section shall apply to agricultural
73 employment, domestic service, street trades or the distribution of
74 newspapers. For purposes of this subsection, the term "cooperative
75 work-study program" means a program of vocational education,
76 approved by the Commissioner of Education and the Labor
77 Commissioner, for persons who, through a cooperative arrangement
78 between the school and employers, receive instruction, including
79 required academic courses and related vocational instruction by
80 alternation of study in school with a job in any occupational field,
81 provided these two experiences are planned and supervised by the
82 school and employers so that each contributes to the student's
83 education and to his employability. Work periods and school
84 attendance may be on alternate half days, full days, weeks or other

85 periods of time in fulfilling the cooperative work-study program.

86 (d) Each person who employs a minor under the age of eighteen
87 years shall obtain a certificate stating the age of such minor as
88 provided in section 10-193, as amended by this act. Such certificates
89 shall be kept on file at the place of employment and shall be available
90 at all times during business hours to the inspectors of the Labor
91 Department.

92 Sec. 2. Section 10-193 of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective July 1, 2008*):

94 (a) The superintendent of schools of any local or regional board of
95 education or an agent designated by such superintendent shall, upon
96 application and in accordance with procedures established by the State
97 Board of Education, furnish, to any person desiring to employ a minor
98 under the age of eighteen years (1) in any manufacturing [.] or
99 mechanical [or theatrical] industry, [restaurant or public dining room,
100 or in any bowling alley, shoe-shining establishment or barber shop,] a
101 certificate showing that such minor is sixteen years of age or older, (2)
102 in any mercantile establishment, theatrical industry, retail
103 establishment, restaurant or public dining room, bowling alley, shoe-
104 shining establishment or barber shop, a certificate showing that such
105 minor is [fifteen] fourteen years of age or older, and (3) at any
106 municipal or private golf course, a certificate showing that such minor
107 is fourteen years of age or older.

108 (b) The State Board of Education shall establish procedures
109 governing the issuance of such certificates.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	31-23
Sec. 2	<i>July 1, 2008</i>	10-193

Statement of Legislative Commissioners:

In subsection (b) of section 1, the notwithstanding clause was bracketed since the changes to subsection (a) make it no longer relevant and language was added to clarify that no child under fourteen years of age is permitted to work and to apply the restrictions on employment to fourteen and fifteen year olds for consistency with subsection (a) that restrictions apply to children under sixteen years of age and to achieve the intent of the committee.

KID *Joint Favorable Subst. C/R*

LAB

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Labor Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a cost to the Department of Labor (DOL) associated with additional personnel. The bill expands the types of jobs that 14 and 15 year old minors can hold, increases the days on which they can work to include weekends year round, and changes the hours in which they can work from 7:00am to 7:00pm and 7:00am to 9:00pm during July and August to working from 7:00am to 8:30pm year round.

The Wage and Workplace Standards Division of DOL currently processes approximately 1,000 child labor violations per year. The number of violations is expected to increase due to the expansion of child labor laws under the bill and could result in the need for an additional Special Investigator (annual salary of \$54,000 and full fringe benefits totaling \$32,000).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 341*****AN ACT CONCERNING THE EMPLOYMENT OF MINORS.*****SUMMARY:**

This bill increases the types of jobs that youngsters age 14 and 15 can hold and the hours and days on which they can work. Currently, unless they are in approved work-study, work-recreation, or vocational probation or parole programs, they can work only as caddies or in golf course pro shops during school vacations. (Between September 30, 2002 and September 30, 2007, 15-year-olds were also permitted to work in mercantile establishments).

Under the bill, 14- and 15-year olds may also work in any mercantile or theatrical industry, retail establishment, restaurant or public dining room, bowling alley, shoe-shining establishment, or barber shop during school vacations and may work on weekends year- round. But, as under existing law, they cannot perform job functions that the labor commissioner designates as hazardous. The bill also bans youngsters under age 18 from working in jobs that the secretary of the U.S. Department of Labor designates as hazardous.

The bill also makes a conforming change to the statutes governing the issuance of certificates that employers who want to hire employees under age 18 must get from school officials to document the child's age. But it eliminates the requirement that employers keep certificates concerning 15-year-old employees on file and make them available to labor department inspectors. They must still do this for 14-year-olds.

EFFECTIVE DATE: July 1, 2008

HOURS OF WORK

Currently, 14- and 15-year olds can work during school vacations of at least five days' duration for up to 8 hours per day and 40 hours per week. They can work between the hours of 7 a.m. and 7 p.m., and between July 1st and the first Monday in September, between 7 a.m. and 9 p.m.

The bill retains the daily and weekly maximum work hours, but allows work done between 7 a.m. and 8:30 p.m. year round.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 9 Nay 0 (02/28/2008)

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7 Nay 2 (03/13/2008)